

## REMARKS

Upon entry of the amendments, claims 5-7, 24-32, 34 and 35 will be pending in the application. Applicants note that the Examiner has indicated in the Office Action of November 3, 2003 that these claims “might be allowable upon resolution of the issues related to the claim objection and rejection under 112-2.” Applicants provide the following comments to the issues raised in the Office Action.

### *Claim Objections*

Applicants have amended claim 6 as suggested by the Examiner to address the grammatical error.

### *Claim Rejections-35 U.S.C § 112*

Claims 5-7, 24, 28, 29, and 33-35 were rejected as indefinite because of antecedent basis issues for the phrase “the improved preservation solution”. These claims have been amended to delete “improved”. Applicants assert that there is sufficient antecedent basis for “the preservation solution” and that the rejection should be withdrawn.

Claim 6 was rejected as indefinite because the Examiner alleged that the particular amount of THAM buffer recited could result in an uncertain pH because it was being added to an unidentified volume. Applicants have addressed this issue by deleting the specific amount of “0.24 mL” from the claim. Applicants believe that claim 6 complies with the requirements of 35 U.S.C. § 112 and that the rejection should be withdrawn.

***Claim Rejections-35 U.S.C § 103***

Applicants respectfully submit that the obviousness rejections of claims 1 and 3 should be withdrawn because these claims have been canceled.

**CONCLUSION**

Applicants respectfully requests allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

  
SMITH, GAMBRELL & RUSSELL, LLP

Date : April 5, 2004

\_\_\_\_\_  
Brandon Boss, Reg. No. 46,567\*  
1850 M Street, NW – Suite 800  
Washington, DC 20036  
Telephone : 202/263-4300  
Facsimile : 202/263-4329

SGRDC/201174.1

---

\* Practice is limited to matters and proceeding before federal courts and agencies.